

House Bill 419 (COMMITTEE SUBSTITUTE)

By: Representatives Silcox of the 52nd, Golick of the 40th, Willard of the 51st, Jones of the 47th, Martin of the 49th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 25-10-2 of the Official Code of Georgia Annotated, relating to
2 prohibited fireworks activities, so as to subject the use or ignition of consumer fireworks to
3 noise ordinances of counties and municipal corporations; to provide for related matters; to
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 25-10-2 of the Official Code of Georgia Annotated, relating to prohibited
8 fireworks activities, is amended by revising subparagraphs (b)(3)(B) and (b)(3)(D), as
9 follows:

10 "(B) Except as provided for in subparagraph (D) or (E) of this paragraph and subject
11 to paragraph (4) of this subsection and Code Section 25-10-2.1, it shall be lawful for
12 any person, firm, corporation, association, or partnership to use or ignite or cause to be
13 ignited any consumer fireworks:

14 (i) On any day beginning at the time of 10:00 A.M. and up to and including the
15 ending time of ~~9:00 P.M.~~;

16 ~~(ii) On any day after the time of 9:00 P.M. and up to and including the time of 11:59~~
17 P.M. if such use or ignition is lawful pursuant to any noise ordinance of the county
18 or municipal corporation of the location in which such use or ignition occurs, except
19 as otherwise provided for under this subparagraph; provided, however, that a county
20 or municipal corporation may additionally require the issuance of a special use permit
21 pursuant to subparagraph (D) of this paragraph for use or ignition;

22 ~~(iii)~~(ii) On January 1, July 3, July 4, and December 31 of each year after the time of
23 ~~9:00 P.M.~~ 10:00 A.M. and up to and including the time of 11:59 P.M.; and

24 ~~(iv)~~(iii) On January 1 of each year beginning at the time of 12:00 Midnight and up
25 to and including the ending time of 1:00 A.M.

26 (D) Any person, firm, corporation, association, or partnership may use or ignite or
27 cause to be ignited any consumer fireworks as provided for under divisions ~~(3)(B)(ii)~~
28 (3)(B)(i) and (3)(C)(v) of this subsection if such person, firm, corporation, association,
29 or partnership is issued a special use permit pursuant to the law of a governing authority
30 of a county or municipal corporation for the use or ignition of consumer fireworks in
31 a location within such county or municipality as provided for under divisions ~~(3)(B)(ii)~~
32 (3)(B)(i) and (3)(C)(v) of this subsection, provided that such special use permit is
33 required for such use or ignition. Such special use permit shall designate the time or
34 times and location that such person, firm, corporation, association, or partnership may
35 use or ignite or cause to be ignited such consumer fireworks. A fee assessed by a
36 county or municipal corporation for the issuance of a special use permit pursuant to this
37 subparagraph shall not exceed \$100.00. No governing authority or official of a county,
38 municipality, or other political subdivision shall bear liability for any decisions made
39 pursuant to this Code section."

40 **SECTION 2.**

41 All laws and parts of laws in conflict with this Act are repealed.